

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MICHAEL VICTOR,

Plaintiff,

v.

KIMBERLY REYNOLDS and ADVANCED
CORRECTIONAL HEALTHCARE, INC.,

Defendants.

Case No. 1:20-cv-13218

Honorable Thomas L. Ludington
United States District Judge

VERDICT FORM

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MICHAEL VICTOR,

Plaintiff,

v.

KIMBERLY REYNOLDS and ADVANCED
CORRECTIONAL HEALTHCARE, INC.,

Defendants.

Case No. 1:20-cv-13218

Honorable Thomas L. Ludington
United States District Judge

VERDICT FORM

We, the jury, find that the following questions should be answered as indicated:

(1) COUNT ONE: EIGHTH AMENDMENT DELIBERATE INDIFFERENCE—
DEFENDANT KIMBERLY REYNOLDS ONLY

- (A) Did Mr. Victor prove by a preponderance of the evidence that he had an objectively serious medical need while confined at Otsego County Jail on April 28, 2019?

YES ☒ NO ☐

If your answer is "NO," go to Question 2, on Page 4. If your answer is "YES," go to Question 1(B).

- (B) Did Mr. Victor prove by a preponderance of the evidence that Otsego County Jail staff told Ms. Reynolds about his serious medical need while he was confined at Otsego County Jail on April 28, 2019?

YES ☐ NO ☒

If your answer is "NO," go to Question 2 on Page 4. If your answer is "YES," go to Question 1(C).

- (C) Did Mr. Victor prove by a preponderance of the evidence that Ms. Reynolds consciously failed to take reasonable measures to treat his serious medical need, amounting to deliberate indifference?

YES _____ NO _____

If your answer is "NO," go to Question 2 on Page 4. If your answer is "YES," go to Question 1(D).

- (D) Did Mr. Victor prove by a preponderance of the evidence that Ms. Reynolds's conscious disregard of his serious medical need injured him or caused him harm?

YES _____ NO _____

If you answered "NO," go to Question 2 on the next page. If you answered "YES," check the box below and go to Question 2 on the next page.

Check the box below ONLY if you answered "YES" to all four sections within Question 1.

☐

(2) **COUNT TWO: EIGHTH AMENDMENT DELIBERATE INDIFFERENCE—
DEFENDANT ACH ONLY (CUSTOM CLAIM)**

- (A) Did Mr. Victor prove by a preponderance of the evidence that he had an objectively serious medical need while confined at Otsego County Jail on April 28, 2019?

YES ☒ NO ☐

If your answer is "NO," go to Question 3 on Page 6. If your answer is "YES," go to Question 2(B).

- (B) Did Mr. Victor prove by a preponderance of the evidence that Otsego County Jail staff told an ACH employee about his serious medical need while he was confined at Otsego County Jail on April 28, 2019?

YES ☒ NO ☐

If your answer is "NO," go to Question 3 on Page 6. If your answer is "YES," go to Question 2(C).

- (C) Did Mr. Victor prove by a preponderance of the evidence that an ACH employee consciously failed to take reasonable measures to treat Plaintiff's serious medical need?

YES ☒ NO ☐

If your answer is "NO," go to Question 3 on Page 6. If your answer is "YES," go to Question 2(D).

- (D) Did Mr. Victor prove by a preponderance of the evidence that he was harmed as a result of an ACH employee's conscious disregard of his serious medical need?

YES ☒ NO ☐

If your answer is "NO," go to Question 3 on Page 6. If your answer is "YES," go to Question 2(E).

- (E) Did Mr. Victor prove by a preponderance of the evidence that ACH had a persistent and widespread custom or practice of withholding inmate medication on April 28, 2019?

YES ✓ NO

If your answer is "NO," go to Question 3 on Page 6. If your answer is "YES," go to Question 2(F).

- (F) Did Mr. Victor prove by a preponderance of the evidence that ACH's custom or practice of withholding inmate medication caused an ACH employee to consciously disregard his serious medical need?

YES ✓ NO

If you answered "NO," go to Question 3 on the next page. If you answered "YES," check the box below and go to Question 3 on the next page.

Check the box below ONLY if you answered "YES" to all six sections within Question 2.



(3) **COUNT TWO: EIGHTH AMENDMENT DELIBERATE INDIFFERENCE—
DEFENDANT ACH ONLY (FAILURE TO TRAIN CLAIM)**

- (A) Did Mr. Victor prove by a preponderance of the evidence that he had an objectively serious medical need while confined at Otsego County Jail on April 28, 2019?

YES ☒ NO ☐

If your answer is "NO," go to Question 4 on Page 8. If your answer is "YES," go to Question 3(B).

- (B) Did Mr. Victor prove by a preponderance of the evidence that Otsego County Jail staff told an ACH employee about his serious medical need while he was confined at Otsego County Jail on April 28, 2019?

YES ☒ NO ☐

If your answer is "NO," go to Question 4 on Page 8. If your answer is "YES," go to Question 3(C).

- (C) Did Mr. Victor prove by a preponderance of the evidence that an ACH employee consciously failed to take reasonable measures to treat his serious medical need?

YES ☒ NO ☐

If your answer is "NO," go to Question 4 on Page 8. If your answer is "YES," go to Question 3(D).

- (D) Did Mr. Victor prove by a preponderance of the evidence that he was injured as a result of an ACH employee's conscious disregard of his serious medical need?

YES ☒ NO ☐

If your answer is "NO," go to Question 4 on Page 8. If your answer is "YES," go to Question 3(E).

- (E) Did Mr. Victor prove by a preponderance of the evidence that ACH's training program was inadequate to train its employees to address recurring requests for medication by inmates?

YES ✓ NO

If your answer is "NO," go to Question 4 on Page 8. If your answer is "YES," go to Question 3(F).

- (F) Did Mr. Victor prove by a preponderance of the evidence that ACH knew it was highly predictable that its employees would be deliberately indifferent to serious inmate medical needs without more or different training, either because there was a pattern of similar historical constitutional violations or because constitutional violations in this context would be so likely to occur that no historical pattern is needed to place ACH on notice?

YES NO ✓

If your answer is "NO," go to Question 4 on Page 6. If your answer is "YES," go to Question 3(G).

- (G) Did Mr. Victor prove by a preponderance of the evidence that ACH's inadequate training caused one of its employees to consciously disregard his serious medical need?

YES NO

If you answered "NO," go to Question 4 on the next page. If you answered "YES," check the box below and go to Question 4 on the next page.

Check the box below ONLY if you answered "YES" to all seven sections within Question 3.

☐

(4) DAMAGES

STOP. ONLY PROCEED IF YOU CHECKED AT LEAST ONE BOX AT THE END OF QUESTIONS 1, 2, OR 3. IF YOU HAVE NOT CHECKED ANY OF THE BOXES AT THE END OF QUESTIONS 1, 2, OR 3, GO TO PAGE 11 AND FOLLOW THE CONCLUDING INSTRUCTION.

- (A) If you find that Mr. Victor has sustained economic damages, what is the total amount of damages you conclude Mr. Victor should be awarded to fairly compensate him for the medical care and supplies he reasonably needed and actually received, his lost salary, lost wages, lost profits, and/or lost earning capacity?

AMOUNT: \$ 20,000.00

Proceed to Question 4(B).

- (B) If you find that Mr. Victor is reasonably certain to need medical care and supplies in the future, or that Mr. Victor is reasonably certain to have a diminished ability to work in the future what is the total amount for each year in which you find Mr. Victor will incur future economic damages?

2024: \$ _____	2025: \$ _____
2026: \$ _____	2027: \$ _____
2028: \$ _____	2029: \$ _____
2030: \$ _____	2031: \$ _____
2032: \$ _____	2033: \$ _____
2034: \$ _____	2035: \$ _____
2036: \$ _____	2037: \$ _____
2038: \$ _____	2039: \$ _____
2040: \$ _____	2041: \$ _____
2042: \$ _____	2043: \$ _____

2044: \$ _____	2045: \$ _____
2046: \$ _____	2047: \$ _____
2048: \$ _____	2049: \$ _____
2050: \$ _____	2051: \$ _____
2052: \$ _____	2053: \$ _____

Proceed to Question 4(C).

- (C) If you find that Mr. Victor has sustained noneconomic damages for pain and suffering, mental anguish, denial of social pleasure and enjoyment, depression and anxiety, and embarrassment, humiliation, or mortification, what is the amount of damages you conclude Mr. Victor should be awarded to fairly compensate him for noneconomic damages from April 28, 2019, until today's date?

AMOUNT: \$ 50,000.00

Proceed to Question 4(D).

- (D) If you find that Mr. Victor is reasonably certain to sustain noneconomic damages in the future for pain and suffering, mental anguish, denial of social pleasure and enjoyment, depression and anxiety, and embarrassment, humiliation, or mortification, what is the total amount for each year in which you find Mr. Victor will incur future noneconomic damages?

2024: \$ _____	2025: \$ _____
2026: \$ _____	2027: \$ _____
2028: \$ _____	2029: \$ _____
2030: \$ _____	2031: \$ _____
2032: \$ _____	2033: \$ _____
2034: \$ _____	2035: \$ _____

2036: \$ _____	2037: \$ _____
2038: \$ _____	2039: \$ _____
2040: \$ _____	2041: \$ _____
2042: \$ _____	2043: \$ _____
2044: \$ _____	2045: \$ _____
2046: \$ _____	2047: \$ _____
2048: \$ _____	2049: \$ _____
2050: \$ _____	2051: \$ _____
2052: \$ _____	2053: \$ _____

Proceed to Question 4(E).

- (E) If you find that Mr. Victor proved by a preponderance of the evidence that ~~the~~
~~USOPayroll.com~~ Advanced Correctional Healthcare, Inc. engaged in conduct
 that was malicious or in reckless disregard for Plaintiff's rights, what is the amount
 of punitive damages you conclude is reasonably sufficient to punish Defendant or
 to serve as an example or warning to others to refrain from engaging in similar
 conduct?

AMOUNT: \$ 700,000.00

Proceed to the next page and follow the Concluding Instruction.

CONCLUDING INSTRUCTION

If you have properly followed the jury instructions that accompany this Verdict Form you will have completed your deliberations when you have reached this point. Please review the Verdict Form once more to make sure that you have answered all the questions that you were called upon to answer by the instructions and that you have recorded no response to the questions that, under the instructions, there was no occasion for you to address. After you have completed your review, your foreperson should place his or her signature, the date, and his or her printed name in the appropriate spaces below. Once the foreperson has done this, place the completed verdict form in the privacy folder and use the call button to notify the bailiff that you have reached a verdict.

Jury Foreperson Name: _____*Jury Foreperson Signature:* _____*Date:* 3/19/24

s/Jury Foreperson

In compliance with the Privacy Policy Adopted by the Judicial
Conference, the verdict form with the original signature has
been filed under seal.